

setting their own prices rather than hiding behind the cartel process overseen by Visa or MasterCard. What the Fed is doing is to substitute competition for administered prices. (March 14, 2011)

As Senator Tester's legislation to delay implementation of the Durbin amendment and the final Federal Reserve regulations comes up for a vote on the Senate floor, we urge your opposition to it or other efforts to weaken or delay the Durbin amendment through Congressional action. Thank you for your consideration of our views. If you or any of your staff have any questions, please contact Ed Mierzewski at U.S. PIRG (202-461-3821 or edm@pirg.org).

Sincerely,

PUBLIC CITIZEN,  
U.S. PIRG.

Mr. DURBIN. Madam President, the groups that stand behind me on this effort know what we are up against. When we take a look at the most powerful special interest groups in Washington, we have to put the banking industry near the top, if not on the top, of the ladder. Throughout my career I have tackled them on the floor. I can recall many years ago, brandnew to the Senate, when I said we ought to change the banking laws so we would put an end to the so-called subprime mortgages. I was in a debate with Phil Gramm of Texas, who said at that time that if the Durbin amendment passed, it would be the end of the subprime mortgage business. I lost by one vote. If I would have prevailed, history might have been a little different. The subprime mortgage mess created an economic downturn from which we still suffer.

I stood up as well when it came to this foreclosure crisis and said that at some point these banks have to be reasonable. You just can't take homes away from people, board them up, and watch them deteriorate into nothing. You have to give people a fighting chance to stay in their homes. I said at the end the bankruptcy court should have the last word on that. The banking industry, the credit unions, the community banks opposed me. Take a look across America today at the foreclosed homes, in Chicago, in Aurora, in Springfield, all across my State, and across this Nation. The outcome, years after I lost that battle, certainly does not speak to a stronger America because of these foreclosures. The banking industry beat me on that.

Last year, fighting for these small businesses, retailers, I stood up and said: Somebody has to step up here and argue that there ought to be fairness in the fees they charge to businesses and consumers across America. We rallied 64 Senators—a bipartisan group—in support of that.

The banks want a second run at this. They want to take this game into overtime. They want to come back today and count their friends here and hope they can come up with 60 in the hopes that if the big banks and credit card companies can win this battle, we will leave them alone, we will not ask hard questions about the interchange fees that are charged. I am asking my col-

leagues in the Senate not to give the banks this overtime, extra-time victory. Give the victory to consumers. They have precious few on the floor of the Senate. Stand up for small businesses that do create jobs across America, and give them a chance to create jobs in this country by not being overcharged by the credit card networks and the biggest banks in America.

How many of us have come to the floor and said small business is the key to economic recovery? If you believe it, if you mean it, vote against the Tester-Corker amendment. That amendment is a blow to small and large businesses alike, large retailers and merchants alike, all across America. They stand in support of my effort to have a reasonable interchange fee on debit card transactions and to make sure they have a fighting chance to be profitable, to expand their businesses, and to hire more employees. That would be good for economic recovery. A vote for the Tester-Corker amendment unfortunately would be a win for the banks at the expense of an economy that desperately needs our help and support today.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. I am going to proceed on my leader time.

The ACTING PRESIDENT pro tempore. The Senator has that right.

#### ENERGY POLICY

Mr. MCCONNELL. Madam President, yesterday and the day before, I came to the floor and noted the many troubling signs of a persistently weak economy and how I believe the actions of Democrats here in Washington are seriously undermining the recovery Americans desperately want. I proposed some things that could be done about it right now.

The President says he wakes up every morning asking himself what he can do to create jobs and help businesses succeed. Let me offer a few suggestions. It is not that difficult, really. I am sure the job creators and the workers the President meets with are telling him the same thing they tell all of us every day. Most people think Washington is too intrusive, that it imposes too many job-stifling regulations and sends too many mixed signals today for anybody to plan for tomorrow. We know that many who would hire right now are actually holding back because they do not know what else to expect in terms of regulations, in terms of taxes, in terms of mandates, and in terms of fees. In fact, we just learned that a significant percentage of businesses plan to drop their employee health coverage—something the administration assured us repeatedly

people did not have to fear. Unexpected jolts such as these are causing confusion and anxiety, and they are freezing job creators and entrepreneurs in place.

Beyond that, many Americans are also seriously concerned about a government in Washington that spends trillions more than it takes in and a national debt that this year will exceed our entire national economy. Many people are also understandably outraged by the fact that the party that occupies the White House and runs the Senate has not even taken the time to put together a budget or any other kind of plan to get our Nation's fiscal house in order. After all, if the government does not plan ahead, how can job creators? If the White House does not have a plan to pay down the debt or preserve entitlements, why should people have any confidence that something will be done?

None of this is news to the President or to the Democrats in Congress. The fact is, the President and Democrats in Congress know as well as I do what employers and workers need to prosper and to create prosperity and jobs. They just don't seem to want to do it, and that is the problem. To be blunt, people wonder whether the President is really focused on jobs when so many of his policies seem to be aimed at destroying them and where there is so much he can do right now to create tens of thousands of good American jobs.

Yesterday, I spoke about trade and how, even though the President admits that pending trade agreements with South Korea, Panama, and Colombia have the potential to create tens of thousands of new jobs and boost American businesses, he refuses to move on them in an apparent favor to his union allies.

This morning, I would like to focus on the two sides of the President's energy policy in which he publicly claims to support greater domestic production and the jobs that come with it even as he seems to do everything he can behind the scenes to block production and to kill energy-related jobs right here at home.

The President says he is a proponent of domestic energy production, but, let's be honest, he has not shown it. This should not surprise anyone. This is an administration, after all, that appointed an Energy Secretary who, a month after the President's election, said, "Somehow we need to figure out how to boost the price of gasoline to the levels in Europe." Since then, the administration's policies have helped us get there. Not only have gas prices skyrocketed, but the administration's policies are also hindering the creation of thousands of good private sector jobs that so many Americans desperately need. Let's look at just a couple.

Everyone knows that in the aftermath of the oilspill in the gulf last year, the President imposed a 6-month moratorium on new deepwater drilling. We can dispute the wisdom of a temporary ban for purposes of a safety and

environmental review. What we cannot dispute is that the impact on jobs and the Nation's economy has been quite severe, nor can we deny that the White House has effectively continued the ban even after its time was up and the review was complete. It was only after the courts got involved and months of political pressure from both Democrats and Republicans that the administration reluctantly began issuing new permits months after the ban was supposedly lifted. And even as gas prices hover around \$4 a gallon, permitting is still well below prespill levels and energy production in the gulf is expected to slow.

Senator VITTER tells us that the administration's anemic permitting in the gulf for domestic energy production threatens nearly 100,000 jobs every year in addition to the many thousands of jobs that could be lost every year in industries that are related to or are dependent on energy. Senator VITTER has also told us about one estimate suggesting that 23 wells per month are needed just to maintain current production levels in the shallow waters of the gulf and that even after the moratorium was supposedly lifted, the administration has averaged fewer than 2 per month.

As for deepwater drilling, the administration has issued a grand total of two new deepwater permits—just two. The other 13 have been for work that was already permitted prior to the moratorium.

The administration's lack of support for energy production in deep water has led to five rigs simply pulling up stakes over the past year and moving their tax dollars and their workers elsewhere in the world. This is just one of the ways the administration is holding back job creation in the energy industry. This is to say nothing of the administration's actions with respect to Alaska's Outer Continental Shelf, which, according to one estimate, could create an average of 54,700 new jobs annually for decades, adding billions in pay and tax revenue.

Let's not forget that the administration's impact would be even worse if it had its way and raised taxes on energy producers, which would have only served to strengthen foreign competitors, raise gas prices even more, put energy independence further out of reach, and kill more American jobs. By one estimate, the energy tax Democrats still want to impose on energy producers could cost 154,000 jobs and \$68 billion in lost wages.

For 2½ years, Democrats in Washington have paid lipservice to the idea of job creation even as they have pursued an agenda that is radically opposed to it. We can see this when it comes to trade, as I indicated yesterday, and we can see it when it comes to energy, as I have discussed this morning. Unless Democrats change their priorities and their policies, the threats of a downgrade will not go away. The debt will not get any small-

er and businesses will not create the kinds of jobs Americans need. The President can talk all he wants about the economy, but it is time he starts looking at the impact of his own policies on the economy.

We need to change course, and a good place to start is with trade and with energy. American businesses want to expand and want to hire. Here are two areas where we can help them do it right now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNNS. Madam President, I ask unanimous consent to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### THE EPA

Mr. JOHANNNS. Madam President, I rise today to talk about something that is on the minds of our agricultural producers. In meetings in my home State, across Nebraska, it seems the first question is always going to be or the second question is always going to be something related to the EPA. Most of the time, the question goes like this: What is going on at the EPA? Why are they trying to put me out of business?

In response to this growing concern, which I am confident the EPA has heard, they have taken to the road with a good old-fashioned charm offensive. The problem is, what the EPA is selling publicly to farmers and ranchers—what they are trying to sell—just doesn't match up with reality. They say one thing on the road while the regulatory train just continues to barrel forward, right here in Washington. In fact, the EPA Administrator is touring the country, community after community, saying not to worry; there is no need for "... fear in rural areas that EPA is coming after you." Yet the regulations continue to come after our Nation's farmers, ranchers, and small businesses, and those regulations are coming fast and furious. Even the Regional Administrator with responsibility for Nebraska and Iowa and Kansas and Missouri has joined the charm offensive. In a recent speech to the Agricultural Business Council of Kansas City, he has said that he does not "see where this administration is doing anything new."

But, quite simply, the EPA's charming rhetoric does not match up with its rule-by-rule intent. If I might, let me illustrate what I mean. Let's talk about dust—not the stuff you find on your bookshelf but the stuff a truck kicks up or a tractor kicks up when it is going down a field or farm lane. Earlier this year a bipartisan group of 33 Senators wrote to the EPA. We were worried. We were worried that the EPA had plans to regulate farm dust. Don't get me wrong. Clean air is a good thing. We need clean air, but dust is also unavoidable in farm country.

Farming without kicking up dust is like asking a carpenter to cut and frame a house without creating sawdust. Well, it just doesn't happen. The two things do not go together. Not to worry, says the EPA, message No. 1 in the charm offensive; the EPA does not have any plans to do anything as silly as regulating farm dust. In fact, on March 10, Administrator Jackson noted that EPA has, and I am quoting, "no plans to do so." He went on to explain:

EPA staff is conducting meetings to engage with and listen to farmers and ranchers well before we propose any rule.

My goodness, that sounds reasonable. Well, except that the response letter that the 33 Senators received from the EPA contained an entirely different story. That letter, written by Assistant Administrator Gina McCarthy, simply said that the source of the dust does not matter and that EPA cannot consider costs when it sets the standard.

Here is how she put it: National air quality standards "are not focused on any specific category of sources or any activity including activities related to agriculture or rural roads."

McCarthy further noted that "the Agency is prohibited from considering costs." The letter leaves my Nebraska producers and producers all across this great Nation wondering, what happened? What happened to the EPA Administrator saying she wasn't going to regulate farm dust? This letter sends the exact opposite message. The answer is there is a public relations effort, and then there is a whole separate effort called the charm offensive effort, and then there is regulatory reality.

Here are some more examples. On water quality, on April 20, the Des Moines Register headline blared message No. 2 of EPA's charm offensive: "EPA chief has no plans to regulate farm runoff."

Well, EPA was addressing another worry in the farm community that EPA would shift from the current State-based approach to a more heavy-handed "Federal Government knows best" approach. It will be our-way-or-the-highway Federal Government type approach.

So, again, after reading the headline, farmers and ranchers hoped that maybe the EPA was taking a turn for the more reasonable. But a March 16 letter from EPA to their regional offices once again tells a very different story. The letter lays out a very specific framework how EPA wants States to regulate runoff. While the headline says the EPA will not initiate regulation of farm runoff, in reality they are aggressively prodding States to do it for them.

If that weren't enough, the agency is also trying to expand their authority literally to every irrigation ditch, every low-lying area, and they even want to regulate your farm pond. The law is very clear that EPA does not have authority over these waters. After